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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,369	02/17/2004	James A. Thomas	D5162	1842
30410	7590	11/03/2006	EXAMINER	
INTERNATIONAL TRUCK INTELLECTUAL PROPERTY COMPANY, 4201 WINFIELD ROAD P.O. BOX 1488 WARRENVILLE, IL 60555			HERRERA, JENNIFER	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,369	<b>Applicant(s)</b> THOMAS, JAMES A.	
	<b>Examiner</b> Jennifer P. Herrera	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

The amendments filed September 29, 2006 to the claims, specification, and drawings have been entered into the record.

### *Claim Objections*

1. Claims 2 and 4 are objected to because of the typo, as best understood by the Examiner, "an open able". Appropriate correction is required.

### *Claim Rejections – 35 USC § 103*

As stated by the Examiner in the Office Action dated June 6, 2006.

*The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:*

*A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

*Claims 1–5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback et al. (U.S. 4,180,172) ("Torneback) in view of Lowe et al. (U.S. 2,892,556) ("Lowe"), and further in view of Anger et al. (U.S. 2,885,616) ("Anger").*

*Regarding claim 1, Torneback discloses a segmented platform in alignment from each end in column 1, lines 49–62. Lowe discloses an*

*extension mechanism to move the segments in column 1, lines 33–35.*

*Lowe also discloses a positioning mechanism (48) in column 1, lines 72–*

*75, and column 2, lines 1–4. Therefore it would have been obvious to a*

*person having ordinary skill in the art at the time of the invention to add*

*Lowe's extension and positioning mechanism to Torneback's segmented*

*platform to secure the movement and positioning of the platform during*

*usage. Anger discloses a three-segmented platform equipped with*

*independent conveyors in column 1, lines 17–19, and column 7, lines*

*44–47. Therefore it would have been obvious to a person having*

*ordinary skill in the art at the time of the invention to add Anger's*

*independent conveyors to Torneback's and Lowe's apparatus to facilitate*

*the user with a moving system with in the platform.*

*Regarding claim 2, Torneback discloses a truck trailer (3) for the mobile*

*bed in column 1, line 49. Therefore it would have been obvious to a*

*person having ordinary skill in the art at the time of the invention to use*

*Torneback's trailer as transportation for the apparatus disclosed in claim*

*1 since trailers are globally used to transport cargo.*

*Regarding claim 3, Lowe discloses a controller for the extension and retraction of the three segments in column 3, lines 45–52. Anger discloses a controller for the conveyors in column 1, lines 15–20, and column 7, lines 42–48. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Lowe's and Anger's controller to the apparatus disclosed in claim 2 to allow an easy operation of the apparatus for the user.*

*Regarding claim 4, Torneback discloses segments articulated to support cargo while the platform is fully extended in column 1, lines 49–62. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Torneback's support system to the apparatus in claim 3 to insure the sustainability of the segments during the use of moving the cargo.*

*Regarding claim 5, Lowe discloses the controller providing the retraction of the three segments in column 3, lines 45–52. Anger discloses the conveyor in column 1, lines 15–20, and column 7, lines 42–48. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Lowe's controller, and Anger's*

*conveyor to the apparatus disclosed in claim 4 to manipulate the movement of the cargo within the three segments.*

*Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback in view of Lowe in view Anger as applied to claims 1-5 above, and further in view of Eckelberry et al. (U.S. Publication 2002/0130479 A1) ("Eckelberry"). Torneback, Lowe, and Anger do not disclose a trailer height adjustment mechanism. Eckelberry discloses a height adjustment mechanism in paragraph 0026. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Eckelberry's height adjustment mechanism to Torneback's, Lowe's, and Anger's apparatus to give the trailer the ability to adjust to various terrains that trailer may encounter during the unloading of cargo.*

*Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback in view of Anger, and further in view of Schwartz et al. (U.S. 2,710,105) ("Schwartz") and Roth et al. (U.S. 4,180,366) ("Roth"). Torneback discloses a trailer in column 1, lines 21-25, and the supporting main, mid, and end conveyor sections abutted along edges in column 1, lines 49-62. Anger discloses the three conveyors in column 1, lines 15-20, and column 7, lines 42-48. Schwartz discloses the track for the horizontal movement of the conveyor sections in column 2, lines 71-72 and column 3, lines 1-7.*

*Roth discloses the 90 degree rotations of the mid conveyor section with respect to the main conveyor section, and the end conveyor section with respect to the mid conveyor section shown in Figure 2, and column 1, lines 67-68, column 2, lines 1-9 and 62-68, and column 3, lines 1-5 and 23-30. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Schwartz's track and Roth's 90-degree rotations to Torneback's and Anger's three-conveyor sectional platform and trailer to broaden the capabilities of a platform accommodating different height surfaces.*

*Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback in view of Anger in view of Schwartz in view of Roth as applied to claim 7 above, and further in view of Eckelberry. Eckelberry discloses a suspension control system in paragraph 0026. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Eckelberry's suspension to the apparatus disclosed in claim 7 to assist the rotating conveyor sections in diverse settings of the height with respect the surface of unloading the cargo.*

*Claim 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback in view of Anger in view of Schwartz in view of Roth in view of Eckelberry as applied to claim 8 above, and further in view of Lowe.*

*Regarding claim 9, Lowe discloses a controller extending the conveyor sections in column 3, lines 45–52. Eckelberry discloses the controller for the height adjustment in paragraph 0031, lines 11–19. Roth discloses the controller for the rotational conveyor sections in column 6, lines 65–69 and column 7, lines 1–4. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add the controller's from Lowe, Eckelberry, and Roth to the apparatus claimed in 8 to aid the user in the movement of the platform.*

*Regarding claim 10, Anger discloses a controller for the conveyors of the conveyor sections in column 7, lines 43–48. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Anger's controller to the apparatus disclosed in claim 9 to allow the user manual effortless in moving the cargo.*

*Claim 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback in view of Anger in view of Roth, and further in view of Lowe.*

*Regarding claim 11, Torneback discloses a segmented translatable platform with the ability to support cargo in column 1, lines 21–25 and lines 49–62. Roth discloses rotational axis for the mid and end segments*



*in Figure 2, and column 1, lines 67-68, column 2, lines 1-8 and 62-68, and column 3, lines 1-5 and lines 23-30. Anger discloses conveyors in column 1, lines 15-20, and column 7, lines 42-48. Lowe discloses a platform translation system in column 3, lines 45-52. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Torneback's platform with the ability of Lowe's system, Anger's conveyors, and Roth's rotational segments to have a device capable of versatility for any surface encountered to unload cargo. Regarding claim 12, Roth discloses a rotation system for the mid and end segments in column 1, lines 67-68, column 2, lines 1-8 and 62-68, and column 3, lines 1-5 and lines 23-30. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Roth's system to the device disclosed in claim 11 to place the cargo on a surface below the platform's retracted position. The ability of lowering the segments would ensure the unloading of cargo on a surface other than height level of the trailer.*

*Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torneback in view of Anger in view of Roth in view of Lowe as applied to claims 11 and 12 above, and*

*further in view of Eckelberry. Eckelberry discloses a trailer suspension system in paragraph 0026. Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to add Eckelberry's suspension system to the device disclosed in claim 12 to assist the lowering of the segments with respect to the target surface.*

### ***Response to Arguments***

Applicant's arguments filed September 29, 2006 have been fully considered but they are not persuasive. Regarding the argument that the combination of Torneback, Lowe, and Anger can not be combined to teach a load carrying trailer, Torneback teaches the segmented platform and Lowe teaches a platform moveable as a unit. Examiner recognizes the front-end section of Torneback is anchored/fixed to the trailer. The motivation was to modify Torneback's extension mechanism with Lowe's device. Lowe's device has a fixed platform with rails that allows the movable platform to translate along the trailer's bed to partially extend out of the trailer's back end. Lowe's moveable platform is fixed at any point along the trailer's bed as seen with the applicant's invention. Applicant explains the intended use of Anger's conveyor control system. Anger teaches the conveyor sections to move independently from each other and achieve the capability of moving an object at different speeds dependent of the

requirements of loading and/or unloading. The conveyor sections taught by Anger are cable to move an object that may be placed on Torneback's platform. Regarding the argument on the combination of Torneback, Anger, Schwartz, and Roth, Examiner's reference to Schwartz's rails 15 would achieve applicant's horizontal translation of conveyor sections, disclosed by Torneback's platform. The motivation is to modify Torneback's sections to translate on Schwartz's rails. Roth teaches the articulation of the 90 degree rotation of the mid and end conveyor section taught by Torneback. Torneback teaches the segmented platform and with the modification of Roth's rotational capabilities, the motivation would allow the platform to accommodate different height surfaces. Regarding claim 10, applicant argues Anger's intended use. Modifying Torneback's platform to have Anger's conveyors would allow an object to travel on the belt with the capability of "modifying the spacing" between objects. Anger teaches the conveyors desired to be at different speeds depending the user requirements. The conveyors are controlled by the user depending on the need of the speed of the object. Therefore the applicant's arguments are not considered persuasive and the rejection hereby made final.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer P. Herrera whose telephone number is (571) 272-6269. The examiner can normally be reached on 0830-1700 hrs Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JPH  
10/26/06



**EILEEN D. LILLIS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600